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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EUGENE VASS II,

Plaintiff,

vs.

BARCLAY BANK DELAWARE,

Defendant.

Case No.: 3:17-cv-02814

[Removal from the Superior Court of
California for the County of San
Francisco, Case No. CSM-17-855031]

**DEFENDANT BARCLAYS BANK
DELAWARE'S NOTICE OF
REMOVAL PURSUANT TO 28
U.S.C. §§ 1331, 1441(C), AND 1446**

[FEDERAL QUESTION]

YU | MOHANDESI LLP
633 West Fifth Street, Suite 2800
Los Angeles, CA 90071

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA:**

PLEASE TAKE NOTICE that Defendant Barclays Bank Delaware (erroneously sued as “Barclay Bank Delaware”) (“Defendant”) hereby removes the action described below from the Superior Court of California for the County of San Francisco (Small Claims Division), to the United States District Court for the Northern District of California, pursuant to Sections 1331, 1441(c), and 1446 of Title 28 of the United States Code (“U.S.C.”). As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Defendant has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. In support of this Notice of Removal, Defendant states as follows:

**I. THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT
TO 28 U.S.C. SECTIONS 1331 AND 1441**

On or about April 12, 2017, plaintiff Eugene Vass II (“Plaintiff”) filed a Small Claims Complaint in the Superior Court of California for the County of San Francisco (“Superior Court”), entitled *Eugene Vass II v. Barclay Bank Delaware*, Case No. CSM-17-855031. In the Complaint, Plaintiff asserts two causes of action against Defendant under federal law:

(1) Violation of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*; and

(2) Violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 (“FCRA”).

The Complaint is attached hereto as **Exhibit A**, as required by 28 U.S.C. § 1446(a). Because this action arises under federal law (the FDCPA and FCRA), which can be ascertained from the face of Plaintiff’s Complaint, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

1 **II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE**
2 **SATISFIED**

3 Plaintiff filed this action in the Superior Court of California for the County of
4 San Francisco on April 12, 2017. Defendant received the Complaint on April 18,
5 2017. This Notice of Removal, therefore, is timely in that it was filed within 30 days
6 from the time Defendant had notice that the action was removable, and less than a
7 year after the commencement of the action. *See* 28 U.S.C. § 1446(b).

8 The Superior Court of California for the County of San Francisco is located
9 within the United States District Court for the Northern District of California. *See* 28
10 U.S.C. § 84(b). Thus, venue is proper in this Court because it is the “district and
11 division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

12 In compliance with 28 U.S.C. § 1446(d), Defendant will serve on Plaintiff and
13 file with the Clerk of the Superior Court a written notice of the filing of this Notice of
14 Removal, attaching a copy of this Notice of Removal.

15 No previous application has been made for the relief requested herein.

16 WHEREFORE, Defendant respectfully removes this action from the Small
17 Claims Superior Court of California for the County of San Francisco to this Court
18 pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

19
20 DATED: May 16, 2017

21 YU | MOHANDESI LLP

22 

23 By _____

24 B. Ben Mohandesi
25 Jordan S. Yu
26 Attorneys for Defendant
27 Barclays Bank Delaware
28

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Yu | Mohandesi LLP, 633 West Fifth Street, Suite 2800, Los Angeles, CA 90071. On May 16, 2017, I served the following document(s) by the method indicated below:

**DEFENDANT BARCLAYS BANK DELAWARE'S NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §§ 1331, 1441(C), AND 1446**

	by transmitting via facsimile on this date the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. Service by fax was ordered by the Court.
X	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.
	by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below.
	by having the document(s) listed above hand-delivered to the person(s) at the address(es) set forth below.
	by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business to the address(es) set forth below.
	by emailing the document(s) listed above to the person(s) at the address(es) set forth below.

Plaintiff

Eugene Vass II
8 10th Street #3603
San Francisco, CA 94103

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 16, 2017, at Los Angeles, California.

Diana Choe